IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TARA CHAMBERS 5411 Southgate Boulevard Fairfield, OH 45014 PLAINTIFF, v. **SOUTHWEST CREDIT SYSTEMS, L.P.** **c/o CT Corporation System** 4400 Easton Commons Way, Suite 125 Columbus, OH 43219 DEFENDANT.	Case No. 1:17-cv-390 **COMPLAINT** **with JURY DEMAND**

Plaintiff Tara Chambers ("Plaintiff"), by and through her undersigned counsel, brings this lawsuit against Southwest Credit Systems, L.P. ("Defendant"), and alleges the following violations of the Fair Debt Collection Practices Act (15 U.S.C. § 1692 *et seq.*).

JURISDICTION

1. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

2. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the acts and transactions giving rise to Plaintiff's action occurred in this State and this District and where Plaintiff resides in this State and this District.

3. Supplemental Jurisdiction exists pursuant to 28 U.S.C. § 1367.

PARTIES

4. Plaintiff, Tara Chambers ("Plaintiff"), is an adult individual residing in Butler County, Ohio.

5. Defendant is a Texas limited partnership with principal offices situated in Carrollton, Texas.

6. Defendant may be served through its registered agent, CT Corporation System, 4400 Easton Commons Way, Suite 125, Columbus, Ohio 43219.

FACTUAL ALLEGATIONS

7. Plaintiff's alleged obligation asserted to be owed or due a creditor other than Defendant arises from a transaction or transactions in which the money, property, insurance, and/or services that are the subject of the transaction(s) were incurred primarily for personal, family or household purposes, and thus is a "debt" as defined by 15 U.S.C. § 1692a(5). Specifically, Plaintiff believes the alleged debt is on a delinquent consumer cell phone account with AT&T.

8. Plaintiff is allegedly obligated to pay a debt due a creditor other than Defendant, and thus is a "consumer" as defined by 15 U.S.C. § 1692a(3).

9. The Account allegedly went into default with the original creditor, AT&T, prior to the filing of this Complaint.

10. After the Account allegedly went into default, the Account was placed with or otherwise transferred to Defendant for collection.

11. Defendant regularly and often collects defaulted accounts for AT&T.

12. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

13. Plaintiff disputes the amount Defendant is attempting to collect on the Account.

14. Plaintiff requests that Defendant cease all further communications regarding the Account.

15. Defendant's collectors were employees of Defendant at all times mentioned herein.

16. Defendant acted at all times mentioned herein through its employees.

17. During the one year prior to the filing of this complaint Defendant called Plaintiff on the telephone.

18. Plaintiff confirmed that she was the person Defendant was attempting to contact and asked who the caller was. Rather than telling her that the caller was Southwest Credit Systems, L.P., Defendant simply replied, "I'm calling on behalf of AT&T…"

19. Defendant never informed Plaintiff that it was Southwest Credit Systems, L.P.

20. In failing to inform Plaintiff that it was Southwest Credit Systems, L.P., Defendant failed to provide meaningful disclosure of its identity as required by 15 U.S.C. §1692d(6).

21. Plaintiff had previously spoken with the original creditor about the status of the Account and had been informed that the Account had been written off and forwarded to collection.

22. Defendant purposefully failed to inform Plaintiff of its identity, and, in fact, tried to conceal its identity.

23. Further, Defendant never informed Plaintiff of Plaintiff's rights under 15 U.S.C. § 1692g(a).

24. The calls described above each constituted a "communication" as defined by 15 U.S.C. § 1692a(2).

25. The only reason that Defendant and/or representative(s), employee(s) and/or agent(s) of Defendant made telephone call(s) to Plaintiff was to attempt to collect the Account.

26. The only reason that Defendant and/or representative(s), employee(s) and/or agent(s) of Defendant had telephone conversation(s) with Plaintiff and/or left voicemail messages for Plaintiff was to attempt to collect the Account.

27. All of the conduct by Defendant and/or its employees and/or agents alleged in the preceding paragraphs was done knowingly and willfully.

28. Plaintiff suffered damages as a result of the conduct of Defendant described above.

RESPONDEAT SUPERIOR

29. The representative(s) and/or collector(s) at Defendant were employee(s) and/or agents of Defendant at all times mentioned herein.

30. The representative(s) and/or collector(s) at Defendant were acting within the scope and/or course of their employment at all times mentioned herein.

31. The representative(s) and/or collector(s) at Defendant were under the direct supervision and/or control of Defendant at all times mentioned herein.

32. The actions of the representative(s) and/or collector(s) at Defendant are imputed to their employer, Defendant.

COUNT I: VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq. BY SOUTHWEST CREDIT SYSTEMS, L.P.

33. The previous paragraphs are incorporated into this Count as if set forth in full.

34. The act(s) and omission(s) of Defendant and its representative(s), employee(s) and/or agent(s) violated 15 U.S.C. § 1692d(6) and 15 U.S.C. § 1692g(a).

35. Pursuant to 15 U.S.C. § 1692k Plaintiff seeks damages, reasonable attorney's fees and costs from Defendant.

DEMAND FOR RELIEF

WHEREFORE, the Plaintiff requests that the Court grant Judgment in favor of Plaintiff and against Defendant as follows:

a. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);

b. Statutory damages in the amount of $1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2);

c. Reasonable attorneys' fees and costs pursuant to 15 U.S.C. § 1692k(a)(3);

d. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Marc E. Dann
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JURY DEMAND

Plaintiff hereby requests a trial by jury on all issues, with the maximum number of jurors permitted by law.

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